

**TOWN PLAN AND ZONING
COMMISSION**

Issued: March 7, 2017

**TOWN PLAN AND ZONING COMMISSION REGULAR MEETING
MONDAY, MARCH 6, 2017
LEGISLATIVE CHAMBER, ROOM 314
TOWN HALL, WEST HARTFORD, CT 06107**

FINAL MINUTES

ATTENDANCE: Chair: Kevin Ahern; Vice Chair: Kevin Prestage; Commissioners: James Akin; John O'Donnell, Michele Maresca (left at 9:05 P.M.); Alternates: Gordon Binkhorst, Liz Gillette; Staff: Todd Dumais, Town Planner; Catherine Dorau, Associate Planner

ABSENT: Alternate: Mishone Donelson

CALL TO ORDER/ROLL CALL: 7:00 P.M.

MATTERS FOR PUBLIC HEARING SHALL BE CALLED AT 7:15 P.M.

MINUTES:

1. Approval of Minutes:
 - a. Minutes of the Regular Meeting, Monday, February 6, 2017
Motion/Prestage; Second/Maresca; Vote 5-0; Voting: Ahern, Prestage, Akin, O'Donnell, Maresca, Alternate: Binkhorst

COMMUNICATIONS:

2. **178 Westmont**- Letter from Salvatore Leone of Leone Construction, L.L.C., requesting to withdraw IWW Map Amendment Application #1062 and IWW Regulated Activity Application #1063 for 178 Westmont.

The IWWA acted by **unanimous vote (5-0)** (Motion/Prestage; Second/O'Donnell) to **ACCEPT** the request to withdraw both Inland Wetlands and Watercourses applications.

NEW BUSINESS:

3. **178 Westmont** – Application (IWW # 1062) of 188 Westmont Lot B LLC, Sal Leone, Record Owner/Applicant, (Darin Lemire, P.E.) requesting approval of a map amendment to the Official Inland Wetlands and Watercourses Map of the Town of West Hartford. The proposed amendment is based on an on-site soil survey prepared by a professional soil scientist. (Submitted for IWWA receipt on March 6, 2017.) ***
Application not received. Application withdrawn by applicant.

4. **178 Westmont** - Application (IWW # 1063) of 188 Westmont Lot B LLC, Sal Leone, Record Owner/Applicant, (Darin Lemire, P.E.) requesting approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities, which may have an adverse impact on a wetland and watercourse area. The application proposes the construction activities within wetlands soils for a new home with an approximately 3172 s.f. footprint, associated site improvements including a driveway, and a 220 LF of precast concrete wall. Three (3) wetland mitigation areas are being proposed. (Submitted for IWWA receipt on March 6, 2017. Presented for determination of significance.)

*** ***Application not received. Application withdrawn by applicant.***

OLD BUSINESS:

5. **180 Wood Pond Road-** Application (IWW #1058) of Penfield Jarvis, Trustee, R.O. (James A. Thompson, Engineer) requesting approval of a map amendment to the Official Inland Wetlands and Watercourses Map of the Town of West Hartford. The proposed amendment is based on an on-site soil survey prepared by a professional soil scientist. (Submitted for IWWA receipt on February 6, 2017. Required public hearing scheduled for March 6, 2017.)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, and the public hearing record the IWWA acted by **unanimous vote (5-0)** (Motion/O'Donnell; Second/Binkhorst) (Binkhorst seated for Maresca) to **APPROVE** the subject application. During its discussion and deliberation on this matter, the Agency made the following findings:

1. **The proposed amendment has been prepared by a certified soil scientist and is based on an on-site soil survey following approved wetland identification techniques.**
2. **A mylar of the approved wetland map amendment shall be provided to the Town Planning Office for filing in the wetland map files. The approved amendment shall also be submitted in electronic format for inclusion into the Town's Geographic Information System.**

6. **180 Wood Pond Road**- Application (IWW #1059) of Penfield Jarvis, Trustee, R.O. (James A. Thompson, Engineer) requesting approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities, which may have an adverse impact on a wetland and watercourse. The application proposes the demolition of the existing home and construction of new home with an approximately 3,878 s.f. footprint and associated site improvements including expanded driveway and patio areas. The entire parcel lies within the 150' upland review area. (Submitted for IWWA receipt on February 6, 2017. Determined to be potentially significant and set for public hearing on March 6, 2017.)

After a brief review of the application and its related exhibits and after consideration of staff technical comments, the TPZ/IWWA acted by unanimous vote (5-0) (Motion/O'Donnell; Second/Akin) (Binkhorst seated for Maresca) to **CONDITIONALLY APPROVE** the proposed regulated activity and to direct that a wetland permit be issued. During its discussion and deliberation on this matter, the Agency made the following findings:

180 WOOD POND ROAD
INLAND WETLAND APPLICATION IWW #1059
COMPLIANCE WITH SECTION 10.2 and 10.4
STANDARDS AND CRITERIA FOR DECISION

The request to conduct certain regulated activities at **180 Wood Pond Road** in West Hartford, Connecticut pursuant to an Inland Wetland and Watercourse application **IWW #1059** should be approved as the Standards and Criteria for Decision as set forth in the Inland Wetlands and Watercourses Regulations for the Town of West Hartford in Section 10.2 have been favorably met. During its discussions and deliberations on this matter, the agency made the following findings:

- [1.] The environmental impact of the proposed regulated activity on wetlands or watercourses will not be so significant as to warrant the denial of this application.
- [2.] The applicant's purpose for the proposed regulated activity is a valid and useful one which alternatives would cause less or no environmental impact to wetlands or watercourses;
- [3.] The feasible and prudent alternatives to the proposed activity have been analyzed by the applicant and the proposed activity is likely to cause less or no environmental impact to wetlands or watercourses than those alternatives.
- [4.] The short-term and long-term impacts of the proposed regulated activity on wetlands or watercourses are not to be so significant as to warrant denial of this application.
- [5.] The long term productivity of the wetlands or watercourses will not be damaged by the approval of this application;

[6.] The proposed regulated activity will not cause irreversible and irretrievable loss of wetland or watercourse resources.

[7.] The proposed regulated activity neither threatens nor impacts the safety, health or reasonable use of property; and

[8.] The proposed regulated activity and future activities associated with or reasonably related to, the proposed regulated activities which are made inevitable by the proposed regulated activity will not have significant impacts on wetlands or watercourses outside the area for which the activity is proposed.

In addition, the Agency considered measures, which would mitigate the impact of the proposed activity and may be imposed as conditions of the permit. Such measures include the availability of further technical improvements or safeguards which could feasibly be added to the plan or action to avoid the reduction of or damage to the wetland's or watercourses natural capacity to support desirable biological life, prevent flooding, supply water, control sedimentation and/or prevent erosion, assimilate wastes, facilitate drainage, and provide recreation and open space. The Agency renders its decision to issue this permit on the following considerations and criteria:

- A. That the natural functions and quality of water in local drainage systems both on and off-site shall be preserved and maintained.
- B. That the overall impact of this development on the environment will be kept to a minimum if the conditions imposed by this permit are carried out by the applicant.
- C. There are no reasonable and prudent alternatives which will allow the same activity to be carried out on the proposed site.
- D. During the period when this permit remains in force, the applicant and the Inland Wetland and Watercourses Agency will be working together in good faith to resolve any matters that may arise relative to the environmental impact on the community due to the activities of the applicant.

The Agency hereby authorizes the applicant to conduct a series of regulated activities on a parcel of land which falls under the jurisdiction of the Inland Wetlands and Watercourse Act of the Connecticut General Statutes and the Inland Wetlands and Watercourses Regulations of the Town of West Hartford. Said parcel of land is located **180 Wood Pond Road**.

This permit is issued and made subject to the following conditions:

- 1.) Plans of record are incorporated by reference in this permit as fully set forth herein and modified by the conditions below.
- 2.) The wetland permit is subject to full compliance with the Town erosion and sediment requirements and shall be installed and maintained in accordance with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control as amended.

- 3.) An inspection and maintenance program shall be established providing for inspections and reports to the Town Planner once per week or within 24 hours of the end of a storm with a rainfall amount of 0.5 inches or greater. Said program shall be incorporated into the Erosion and Sediment Control Plan.
- 4.) Prior to the start of any site disturbance, all wetlands flags shall be reestablished and all sediment and erosion controls shall be installed. Once installed, the Town Planner shall be notified.
- 5.) All work along the shoreline area identified on the plans as “Existing stone walls shown as shaded. Repair shore line wall as needed” and “Stabilize shoreline with coire logs as needed.” is specifically excluded from this wetlands permit approval. Any work in this area will require a separate wetlands permit review and approval.
- 6.) All waste from the temporary slurry pit shall be trucked offsite.
- 7.) The permit shall expire if not exercised within five (5) years from the date of issuance, or date of final resolution of any legal action challenging this permit. This permit shall not be assigned, transferred, sublet or sold to any other person without written permission of the Agency.

7. **1700 Asylum Avenue-** Application (SUP #1062-R5-17) of Town of West Hartford, Department of Leisure Services, on behalf of University of Connecticut (R.O.) requesting approval to amend Special Use Permit #1062, which was approved on May 2, 2016, by eliminating the requirement for pathway lighting from the major league field to Asylum Avenue. (Submitted for TPZ receipt on February 6, 2017. Required public hearing scheduled for March 6, 2017.)

After a brief review of the application and its related exhibits and after consideration of staff technical comments, the TPZ acted by **unanimous vote (5 -0)** (Motion/O'Donnell; Second/Gillette) (Gillette seated for Maresca) to **APPROVE** this application with conditions.

During its discussions and deliberations on this matter, the Commission made the following findings and conditions:

1. The proposal meets the finding requirements of Section 177-42A (5a) of the West Hartford Code of Ordinances. In particular:
 - a. The location and size of the use, the nature and intensity of the operations connected with this use, the size of the lot in relation to it and the location of the lot with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.

- b. The kind, location and height of all structures and the nature and extent of the landscaping on the lot are such that the use will not hinder or discourage the appropriate development and use of adjacent properties.
 - c. The parking and loading facilities are adequate and properly located for the proposed use, and the entrance and exit driveways are laid out so as to achieve maximum safety.
2. Pursuant to West Hartford Code of Ordinances Section 177-42A (8), the applicant shall return to the TPZ by March 2019 for further review and evaluation. The TPZ may consider supplemental conditions of approval if operational concerns are identified.

8. **110 Beechwood Road** – Application (SUP #1229-R2-17) of West Hartford Public Schools & Conard and Hall Unite for Light (Helen Rubino-Turco, Director of Leisure Services, Town of West Hartford) requesting TPZ review pursuant to Section 17742A(8) of the West Hartford Code of Ordinances of the conditions of SUP #1229 approved on March 4, 2013 for the installation of permanent athletic field lighting at Conard High School McKee Stadium Field and amended on November 5, 2015. (Submitted for TPZ receipt on February 6, 2017. Required public hearing scheduled for March 6, 2017.)

After a brief review of the application and its related exhibits and after consideration of staff technical comments, the TPZ acted by **unanimous vote (5 -0)** (Motion/Prestage; Second/Akin) (Binkhorst seated for Maresca) to require supplemental conditions of approval for the Special Use Permit. During discussions and deliberations on this matter, the Commission determined that the following supplemental conditions of approval were required:

- 1. The operational plan on file and submitted as part of the original Special Use Permit approval, titled *Use of Hall and Conard Stadium Lights*, shall be posted in an accessible place, including the high school's athletic website, and shall be shared with the appropriate operators of the athletics fields.
- 2. Contact information shall be posted in an accessible place, including the high school's athletic website, for complaints or questions regarding the usage of the athletic field. Said contact information shall include, the name and title of the contact person, a phone number and an email address.
- 3. All complaints received shall be transmitted to the Town Planner.

9. **975 North Main Street** – Application (SUP #1230-R3-17) of West Hartford Public Schools & Conard and Hall Unite for Light (Helen Rubino-Turco, Director of Leisure Services, Town of West Hartford) requesting TPZ review pursuant to Section 17742A(8) of the West Hartford Code of Ordinances of the conditions of SUP #1230 approved on March 4, 2013 for the installation of permanent athletic field lighting at Hall High School Chalmers Stadium Field and amended on November 5, 2015. (Submitted for TPZ receipt on February 6, 2017. Required public hearing scheduled for March 6, 2017.)

After a brief review of the application and its related exhibits and after consideration of staff technical comments, the TPZ acted by **unanimous vote (5 -0)** (Motion/Prestage; Second/Akin) (Gillette seated for Maresca) to require supplemental conditions of approval for the Special Use Permit. During discussions and deliberations on this matter, the Commission determined that the following supplemental conditions of approval were required:

1. The operational plan on file and submitted as part of the original Special Use Permit approval, titled *Use of Hall and Conard Stadium Lights*, shall be posted in an accessible place, including the high school's athletic website, and shall be shared with the appropriate operators of the athletics fields.
2. Contact information shall be posted in an accessible place, including the high school's athletic website, for complaints or questions regarding the usage of the athletic field. Said contact information shall include, the name and title of the contact person, a phone number and an email address.
3. All complaints received shall be transmitted to the Town Planner.

TOWN COUNCIL REFERRALS:

10. **Ordinance Establishing Definitions for and Permitting of "Food Trucks and Food Truck Parks"** – (Town Council receipt on February 14, 2017. Town Council public hearing scheduled for March 28, 2017. TPZ receipt on March 6, 2017.)

After a detailed review of the proposed ordinance, the TPZ acted by unanimous vote (5-0) (Motion/Maresca; Second/O'Donnell) **to RECOMMEND APPROVAL** of the subject ordinance.

During its discussion and deliberation on this matter, the Commission made the following findings which it has prepared for the Council's consideration:

1. The Commission suggests that an additional operational requirement be considered which requires food truck parks to include electricity and utility hook-ups for each designated food truck parking space.

2. Overall, the Commission finds the proposed ordinance to be well thought out and a potentially innovative new use for the Town.

TOWN PLANNER’S REPORT:

INFORMATION ITEMS:

REMINDER OF FUTURE TPZ REGULAR AND SPECIAL MEETINGS:

- TPZ Regular Meeting, Monday, March 6, 2017 @ 7:00 P.M.
- TPZ Regular Meeting, Monday, April 3, 2017 @ 7:00 P.M.
- TPZ Regular Meeting, Monday May 1, 2017 @ 7:00 P.M.

ADJOURNEMENT: 10:35 P.M.

“Any individual with a disability who needs special assistance to participate in the meeting should contact Social Services Department, 860.561.7561, five days prior to the meeting.”

U: shareddocs/TPZ/Agenda//2016/March 6 final minutes